

## **Interior Design and Restraint of Trade**

**SUBJECT:** Written Statement submitted at the Tuesday, September 11, 2007  
State of Michigan House Commerce Committee Meeting

**REGARDING:** Interior Design HB 4770, HB 4771, HB 4772

Chairman Meisner & Members of the House Commerce Committee, my name is Leonard Else. I am a commercial Interior Designer with offices on Dixie Highway in Waterford, Michigan. I am a Vice President of the Coalition for Interior Design Registration (CIDR). My educational experience includes a Masters Degree in Interior Design with a minor in Architecture from Cranbrook Academy of Art in Bloomfield Hills, Michigan and I hold a Masters Degree in Graphic Design from The Rochester Institute of Technology in Rochester, New York. Professionally, I formerly was Director of Interior Design at Smith Hinchman and Grylls, one of Michigan's largest Architecture, Engineering firms. The Firm now identifies itself as The Smith Group and does work nationally and internationally. I founded and was Director of the Interior Architecture Degree Program in the College of Architecture at Lawrence Technological University in Southfield, Michigan. I was in charge of this program for 10 years and was responsible for getting the Program nationally accredited by The Council for Interior Design Accreditation (CIDA). CIDA is the national accrediting body for interior design programs. I am a Professional Member of the American Society of Interior Designers. I have passed the National Interior Design Qualifying Exam (NCIDQ) Certification #1634. I am listed on the State of Michigan Department of Labor & Economic Growth, Licensing Division, Board of Architects approved List of Qualified Interior Designers. This Interior Design List was initiated by Public Act 250 passed in 1998.

I have been practicing interior design for 40 years, mostly doing commercial office space, stores, hospitals and restaurants. I have witnessed an ever-increasing requirement by building officials for architects and engineers to draw and seal documents for commercial interior design work. In the past architects' or engineers' seals were only required when alterations were made to the load bearing structural elements of the building. Now building officials are requiring architect's and engineer's seals for even the smallest modification to existing interior spaces.

For years I have selected materials for hospitals, stores and offices; I have done space planning for offices with systems furniture cubicles; I have done lighting plans for all kinds of commercial spaces; I have designed private offices and conference rooms for businesses. With the present, ever tightening and restrictive enforcement policies coming from the State's Code Department and enforcement with no interpretation by local building officials I can do none of the above-mentioned design activities unless I work directly under an architect.

I recently worked on a couple of projects in the Detroit Metropolitan Area and received written statements from City Building Departments requiring certification documents from independent testing laboratories verifying the flammability classification for interior finish materials. The written request from the City also stated that all certified fire classification documents must be first submitted to the "Registered Design Professional in Responsible Charge" for the project who shall review them and forward them to the Building Official with a notation that the documents have been reviewed when he submits them. I submit to you that if an Interior Designer can't even select interior finish materials for a building without having to submit them first to an architect who then has to submit a written statement to the City Building Official; then the Interior Designer has no possibility of functioning as an Independent Practitioner of Interior Design. The Interior Designer, working independently, cannot select carpet, vinyl wall coverings, light fixtures, architectural moldings, etc.

The written statement from the city also states that all "deferred submittal documents" shall be submitted to the "Registered Design Professional" in responsible charge who shall review them and forward them to the building official. It states that examples of deferred submittal items include interior finish materials and even millwork furniture items. Interior Designers have always done custom millwork items for reception desks, lunch counters in restaurants, custom cabinetry for offices and conference spaces. Selection of interior finishes and design of custom millwork furniture items is integral to performing Interior Design Services. Now these are under the control of an architect or engineer.

The City Building Department document states that the "Registered Design Professional in Responsible Charge" shall be responsible for reviewing and coordinating submittal documents prepared by others. Interior Designers were recognized, by Public Acts 250 of 1998 signed by Governor Engler, to be able to produce interior design drawings. The negotiated intent of Public Act 250 was to allow interior designers to be able to submit drawing to Building Officials for permits when they were doing interior design. This is not happening when cities are requiring all plans to be submitted by the "Design Professional" in responsible charge. In the State of Michigan at present that can only be a registered architect or engineer. Interior Designers, even for the smallest changes to a commercial interior space must submit a drawing to an architect who then has to submit the interior designer's drawing to the City for permits. Only in recent times has this practice evolved to this exaggerated strict interpretation.

This restriction of professional practice is not good for the small businesses of the interior design profession and, more importantly, it is not good for the general public. Small commercial businesses are being burdened by having to have over qualified and expensive professionals do work that could be better handled with a more open competitive marketplace. This over restrictive approach has created an environment of restraint of trade for the Interior Design Profession and also places an excessive financial burden on the small commercial business owners who are so important at this time of economic change in the State of Michigan.

Professional Interior Designers are educated in our State public and private University programs. They validate their qualifications by taking a rigorous National Exam (NCIDQ) which places a heavy emphasis on health and safety issues. They are experienced in their profession and deal with health and safety issues on a daily basis. They space plan accessible interiors for handicapped persons. They select safe interior finish material in addition to safe lighting design for commercial spaces.

It has been suggested that this restraint of trade issue for the Interior Design Professionals could be solved by making an adjustment in the State Construction Code to allow Interior Designers to submit plans to Building Officials as long as *it doesn't affect the health and safety of the public*. I submit to you that *everything* Interior Designers do on the interiors affects the health and safety of the public. They are the Design Professionals who best know the flammability test requirements for interior finish materials; they lay out and plan interior spaces on a continual basis dealing with fire exiting from the interior spaces and handicap accessibility to and from the interior spaces; they deal with lighting layouts including exit lighting and emergency egress lighting.

I was involved with the negotiations with the architects and building officials when Public Acts 250 of 1998 was passed. As soon as the Governor signed the Bill, the State Consumer and Industry Services Department (that regulated the construction codes and the building officials at the time) came out with a bulletin that stated nothing was changed by this new legislation. This totally ignored the intent of the legislation. The intention of Public Act 250 was to solve the restraint of trade problem for the Interior Design Profession. The CIS Bulletin completely negated the legislation that was passed and signed by the Governor. The CIS Bulletin also negated all that was negotiated with the architects and building officials. This is why we need to have legislation that is clear to all who are concerned.

Interior Design Professionals need to continue to do interior design work on the interiors of commercial buildings *as independent small business practitioners and not be required to work for an architect or engineer*. The solution to this problem is to provide legislation, which allows this to be a law in the State of Michigan.

These restraint of trade issues for Interior Designers constitute a grave injustice for the interior design profession and for the public.